

Chapter 4 - Ambient Monitoring and Emergency Procedures

400 AIR POLLUTION REPORTING INDEX

- 400.1 The Mayor shall establish a simplified, daily, public reporting index of air pollution levels in the District of Columbia. This index shall indicate the levels of pollutant about which he or she determines the public should be informed. The Mayor, in adopting an index, shall coordinate as closely as possible with the Metropolitan Washington Council of Governments to ensure a uniform regional system of air quality levels reporting.

401 EMERGENCY PROCEDURES

Note: The numbering pattern described below reflects that of Section 401 as submitted by the District of Columbia to EPA on June 21, 1985. Should the District of Columbia submit a future SIP revision which revises the numbering pattern of the District's version of Section 401, EPA will revise the numbering pattern to the SIP version of Section 401.

- 401.1 The Mayor shall amend as necessary the Emergency Episode Plan containing the procedures necessary to enable him or her, acting alone or with the air pollution control agencies of the surrounding jurisdictions, to deal effectively with an air pollution emergency.
- 401.2 Any proposed amendment to the Emergency Episode Plan shall be submitted to the Council of the District of Columbia and shall not take effect unless approved by resolution of the Council.
- 401.3 Prior to submitting a proposed amendment of the Emergency Episode Plan to the Council the Mayor shall hold a public hearing, giving thirty (30) day notice of the hearing.
- 401.4 The plan shall be kept on file by the Mayor and shall be available for public inspection.
- 401.2 Whenever the Mayor finds an emergency exists requiring immediate action to protect the public health and welfare, the Mayor may, without notice or hearing, issue an order that includes the following:
- (a) The basis for the existence of the emergency;
 - (b) The episode stage at which the emergency exists; and
 - (c) The action to be taken to meet the emergency.
 - (d) Enter any premises or property and take any action he or she deems necessary.

401.3 The Mayor may require the owner or operator of a source of air pollution to prepare a written plan for reducing the emission of air pollution during an episode stage, according to the guidelines set forth in the Emergency Episode Plan.

401.4 An owner or operator shall have thirty (30) days in which to comply with the Mayor's request to prepare an individual abatement plan. This plan shall include the following:

- (a) the identity of the source of air pollutants; and
- (b) a brief description of the manner in which the reduction in emissions will be achieved during each episode stage.

401.5 An individual abatement plan shall be approved or disapproved by the Mayor within thirty (30) days after it is submitted.

401.6 Whenever the Mayor determines that an air quality emergency exists, the Mayor shall instruct the public on the action to be taken according to the Emergency Episode Plan or shall order the public to take whatever action the Mayor deems necessary to avert, ameliorate, or end the emergency.

401.7 Notwithstanding any other provision of this Subtitle or any other law, if the Mayor determines that a situation exists which is causing or contributing to air pollution or could cause or contribute to air pollution so as to require immediate action to protect the public health or welfare, the Mayor shall take the action necessary to abate the situation. The action shall be clothed with the police power and may include but is not limited to the following:

- (a) Order the Person(s) to reduce or discontinue or take the action(s) necessary to abate the situation. Each order shall be complied with immediately;
- (b) Impound any source of air pollution equipment in the possession of any person;
- (c) Forbid the operation of any source, machine, device, or equipment. Notice of the prohibition shall, if possible, be given to any person who owns, possesses, or operates the source, machine, device, or equipment. The notice shall be complied with immediately; and

401.3 Any person against whom the Mayor may take an action authorized in § 401.5 of this Subtitle may appeal the order or action to the Mayor. Upon appeal the Mayor shall hold a hearing, if so requested, within a reasonable time after receiving the appeal. Not more than twenty-five (25) hours after the conclusion of the hearing, or receipt of the appeal if no hearing is requested, the person shall be notified by the Mayor whether the action or order has been affirmed, modified, or rescinded; Provided, that the appeal shall not be grounds for noncompliance with any order issued under § 401.5 of this Subtitle.

401.7 Nothing in this section shall preclude the Mayor from initiating appropriate action for the recovery of a penalty as is provided in this Subtitle, nor shall this section preclude the Mayor from seeking other relief or remedy that is provided for by law.

401.8 The procedures of § 102 of this Subtitle shall not apply to this section.

499 DEFINITIONS AND ABBREVIATIONS

499.1 The meanings ascribed to the definitions appearing in § 199.1 of chapter 1 of this title shall apply to the terms in this chapter.

499.2 The meanings ascribed to the abbreviations appearing in § 199.2 of chapter 1 of this title shall apply to the abbreviations in this chapter.